

REMARKS

Applicant amended Claims 1 and 7 and added Claims 11-16. No new matter has been added. Support can be found in the specification, particularly at page 3, lines 10-27, the Examples and Tables.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 7 and 8 under 35 U.S.C. § 102(b) for anticipation by Rehman (US 5925176). Applicant has amended Claim 7, which Claim 8 depends from, to claim a pigment based ink. Rehman requires use of a dye (column 4, line 31-33), along with other components, to address special problems commonly associated with dye based inks. In view of this amendment, Applicant believes it has overcome the art rejection of record.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 1-6 and 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Rehman (US Patent 5,925,176). Applicant respectfully disagrees.

A prior art reference must be considered in its entirety. M.P.E.P. § 2141.02, 8th Edition, August 2001 (Revised May 2004). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *See, M.P.E.P.* § 2141.02, 8th Edition, August 2001 (Revised May 2004) citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Also, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *See, M.P.E.P.* § 2141.02, 8th Edition, August 2001 (Revised May 2004) citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Applicant has amended Claims 1 and 7 to claim a pigment based ink. Rehman teaches away from the present invention by requiring the incorporation of a dye (column 4, line 31-33) and the use of ammonium carboxylate salts (column 6, lines 61-67). Rehman's patent is directed to a specific problem found in dye based inks. Ammonium carboxylate salts are added to dye based inks to reduce bleed problems associated with dyes. However, ammonium carboxylate salts create a local thermal stability problem on thermal print heads. Rehman attempts to address the problem caused by ammonium carboxylate salts with the addition of certain surfactants. As a whole, Rehman adds certain surfactants to address local stability problems encountered with dye

based inks which incorporate ammonium carboxylate salts. Applicant's invention is directed at solving printability problems. Moreover, Rehman does not teach the advantages obtained by utilizing the combination of surfactants Applicant claims.

It would not have been obvious to one skilled in the art to use the specific surfactant formulas claimed in a pigment based ink in view of Rehman, which addresses the problems of dye based inks caused by the addition of ammonium carboxylate salts. In view of the above, Applicant believes it has overcome the art rejection of record.

Applicant maintains that such claims are patentable in view of the amendments and arguments presented above. Applicant's invention would not have been obvious to one skilled in the art based on the reference cited for the reasons above. Applicant's attorney thanks the Examiner for the time taken to review this response. In view of the foregoing remarks, Applicant respectfully requests reconsideration of the rejection and allowance of the claims. The Examiner is encouraged to contact the attorney listed below if there are any questions or comments.

Respectfully submitted,



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